

STEPHEN A. MARINO,)
)
Plaintiff,)
)
vs.) No. 4:05CV02036 AGF
)
JO ANNE B. BARNHART,)
Commissioner of Social Security,)
)
Defendant.)


This matter is before the Court on Plaintiff's motion for appointment of counsel. Plaintiff commenced this action pro se seeking the reinstatement of Social Security benefits. There is no constitutional right for a pro se plaintiff to have counsel appointed in a civil case, although a district court has discretion to appoint an attorney to handle such a case when necessary. In re Lane, 801 F.2d 1040, 1043-44 (8th Cir. 1986). Among the factors a court should consider in making this determination are the factual complexity of the case; the ability of the plaintiff to investigate the facts and present his claim; the complexity of the legal issues; and to what degree the plaintiff and the court would benefit from such an appointment. Id.

Upon review of the file, the Court finds that the appointment of counsel is unwarranted at this time. Should Plaintiff seek the appointment of counsel at a later stage in the proceedings, he will be required to provide the Court with a sworn statement

itemizing what efforts he has made to obtain legal counsel, and providing the names of attorneys with whom he has discussed representation and the dates and results of such discussions.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion for appointment of counsel [Doc. #4] is **DENIED without prejudice**.



AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE

Dated this 10th day of November, 2005.